

REMARKS

The Examiner's Advisory Action of March 8, 2004 has been received and its contents carefully considered. Reconsideration is respectfully requested in view of the Supplemental Amendment and the following comments.

I. Telephone Conference

Applicant's representative, Laleh Jalali, would like to thank the Examiner for the telephone conference of April 16, 2004, during which the Examiner clarified some of the suggestions set forth in the comments to the Advisory Action of March 8, 2004. The amendments/remarks herein have been based in part on the Examiner's recommendations given during the above telephone conference in order to expedite allowance of the instant application.

I. Rejection under 35 USC 112, first paragraph

Claims 18-29 remain rejected under the first paragraph of Section 112. Reconsideration is respectfully requested in view of the amendment and of the following comments.

With respect to claims 18-29, the Examiner objects to the expression "a covering layer exhibiting a predetermined roughness and/or predetermined flatness, the covering layer

having a thickness just enough to cover a roughness of the free surface of the diamond layer.” In response, independent claims 18 and 19 have been amended as suggested in the paragraph spanning pages 4 and 5 of the Response under 37 CFR 1.116 filed on February 9, 2004. Namely, the word “predetermined” has been deleted from the claims, and the expression “in a range to allow attachment to a thermal interface material.” Support for the above is provided at least at paragraph 27 of the specification, where exemplary ranges are given for a possible roughness and flatness of a thermal coupling surface (the ranges given not being limiting).

In view of the above, it is respectfully requested that the Examiner reconsider and withdraw his rejection of the claims under the first paragraph of Section 112.

II. Rejection under 35 USC 112, second paragraph

Claims 18-29 remain rejected under the second paragraph of Section 112. Reconsideration is respectfully requested in view of the amendment and of the following comments.

With respect to the Section 112, second paragraph rejection, it appears from the Examiner’s comments to the Advisory Action that the only remaining issue would concern the meaning of “thickness just enough to cover a roughness” as set forth in independent claims 18 and 29. In response, independent claims 18 and 29 have been amended to recite that the covering layer/means for providing has a thickness just enough to cover a roughness of the free surface of the diamond layer “such that the thermal covering surface of the covering layer is substantially flat.” The above language was

discussed with the Examiner during the telephone conference of April 16, 2004, and found acceptable by the Examiner. Support for the above is clearly found in most of the figures provided with the original disclosure, namely, in Figs. 3, 4, 5, 6a, 6b, and 6c. The specification has further been amended at paragraph 30 as noted above to mirror the language used in the independent claims as amended herein.

In view of the above, the Examiner is respectfully requested to reconsider and withdraw his rejection of the claims under the second paragraph of Section 112.

CONCLUSION

In view of the above, it is submitted that the application is in condition for allowance. Reconsideration, withdrawal of all grounds of rejection and issuance of a Notice of Allowance is solicited.

The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. § 1.16 or § 1.17 to Deposit Account No. 11-0600. The Examiner is invited to contact the undersigned at (202) 220-4296 to discuss any matter regarding this application.

Respectfully submitted,

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